

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KATHERINE SEARS and VIRGINIA
SEGANOS,

Plaintiffs

v.

MID VALLEY ENTERPRISES, LLC and
PAHRUMP ICS LLC,

Defendants

Case No.: 2:19-cv-00532-APG-CWH

**Order Denying Motions for Interlocutory
Appeal and to Stay Case**

[ECF Nos. 42, 43]

The defendants filed a motion for interlocutory appeal of my order denying their motion to dismiss the plaintiffs' claims under the Fair Labor Standards Act (FLSA). ECF No. 42. They also filed a motion to stay the case until the court of appeals rules on their proposed interlocutory appeal. ECF No. 43.

I have discretion to grant an interlocutory appeal if I feel my "order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). I declined to dismiss the FLSA claims because the plaintiffs "have alleged facts that plausibly support an enterprise theory of FLSA coverage." ECF No. 40. Whether the plaintiffs can ultimately prove that theory—or any other theory of recovery—will be determined later. For now, they have alleged a sufficient basis to justify proceeding with discovery. My order does not address a controlling question of law, it merely finds plausible allegations. And an interlocutory appeal would not materially advance the ultimate resolution of this case because discovery is needed to help resolve the plaintiffs' theories for recovery. I thus deny the motion for an interlocutory appeal. That makes the motion to stay moot.

1 I THEREFORE ORDER that the defendants' motion for interlocutory appeal (ECF No.
2 **42**) is **DENIED**.

3 I FURTHER ORDER that the defendants' motion to stay the case (ECF No. **43**) is
4 **DENIED as moot**.

5 DATED this 12th day of June, 2020.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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